



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1302

Introduced 02/09/11, by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

430 ILCS 30/3	from Ch. 95 1/2, par. 700-3
430 ILCS 50/2.05	from Ch. 127, par. 1252.05
430 ILCS 55/3	from Ch. 127 1/2, par. 1003

Amends the Illinois Hazardous Materials Transportation Act, the Hazardous Materials Emergency Act, and the Hazardous Material Emergency Response Reimbursement Act. Changes the definition of "hazardous material" to include natural gas, natural gas liquids, and liquefied natural gas.

LRB097 05238 JDS 45288 b

1 AN ACT concerning public safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Hazardous Materials Transportation  
5 Act is amended by changing Section 3 as follows:

6 (430 ILCS 30/3) (from Ch. 95 1/2, par. 700-3)

7 Sec. 3. Unless the context otherwise clearly requires, as  
8 used in this Act:

9 "Commerce" means trade, traffic, commerce or  
10 transportation within the State;

11 "Department" means the Illinois Department of  
12 Transportation;

13 "Discharge" means leakage, seepage, or other release;

14 "Hazardous material" means a substance or material in a  
15 quantity and form determined by the United States Department of  
16 Transportation to be capable of posing an unreasonable risk to  
17 health and safety or property when transported in commerce.

18 "Hazardous material" also includes natural gas, natural gas  
19 liquids, and liquefied natural gas;

20 "Knowingly" means a person has actual knowledge of the  
21 facts giving rise to the violation or a reasonable person  
22 acting in the circumstances and exercising due care would have  
23 such knowledge;

1 "Law Enforcement Officials" means the Illinois State  
2 Police or any duly authorized employees of a local governmental  
3 agency who are primarily responsible for prevention or  
4 detection of crime and enforcement of the criminal code and the  
5 highway and traffic laws of this State or any political  
6 subdivision of such State;

7 "Person" means any natural person or individual,  
8 governmental body, firm, association, partnership,  
9 copartnership, joint venture, company, corporation, joint  
10 stock company, trust, estate or any other legal entity or their  
11 legal representative, agent or assigns;

12 "Transports" or "transportation" means any movement of  
13 property over the highway and any loading, unloading or storage  
14 incidental to such movement.

15 (Source: P.A. 90-263, eff. 7-30-97.)

16 Section 10. The Hazardous Materials Emergency Act is  
17 amended by changing Section 2.05 as follows:

18 (430 ILCS 50/2.05) (from Ch. 127, par. 1252.05)

19 Sec. 2.05. "Hazardous material" means a substance or  
20 material in a quantity and form which may pose an unreasonable  
21 risk to health and safety or property and which is designated a  
22 hazardous material pursuant to the "Hazardous Materials  
23 Transportation Act", (PL 93-633). "Hazardous material" also  
24 includes natural gas, natural gas liquids, and liquefied

1 natural gas.

2 (Source: P.A. 79-1442.)

3 Section 15. The Hazardous Material Emergency Response  
4 Reimbursement Act is amended by changing Section 3 as follows:

5 (430 ILCS 55/3) (from Ch. 127 1/2, par. 1003)

6 Sec. 3. Definitions. As used in this Act:

7 (a) "Emergency action" means any action taken at or near  
8 the scene of a hazardous materials emergency incident to  
9 prevent or minimize harm to human health, to property, or to  
10 the environments from the unintentional release of a hazardous  
11 material.

12 (b) "Emergency response agency" means a unit of local  
13 government, volunteer fire protection organization, or the  
14 American Red Cross that provides:

- 15 (1) firefighting services;  
16 (2) emergency rescue services;  
17 (3) emergency medical services;  
18 (4) hazardous materials response teams;  
19 (5) civil defense;  
20 (6) technical rescue teams; or  
21 (7) mass care or assistance to displaced persons.

22 (c) "Responsible party" means a person who:

23 (1) owns or has custody of hazardous material that is  
24 involved in an incident requiring emergency action by an

1 emergency response agency; or

2 (2) owns or has custody of bulk or non-bulk packaging  
3 or a transport vehicle that contains hazardous material  
4 that is involved in an incident requiring emergency action  
5 by an emergency response agency; and

6 (3) who causes or substantially contributed to the  
7 cause of the incident.

8 (d) "Person" means an individual, a corporation, a  
9 partnership, an unincorporated association, or any unit of  
10 federal, State or local government.

11 (e) "Annual budget" means the cost to operate an emergency  
12 response agency excluding personnel costs, which include  
13 salary, benefits and training expenses; and costs to acquire  
14 capital equipment including buildings, vehicles and other such  
15 major capital cost items.

16 (f) "Hazardous material" means a substance or material in a  
17 quantity and form determined by the United States Department of  
18 Transportation to be capable of posing an unreasonable risk to  
19 health and safety or property when transported in commerce.  
20 "Hazardous material" also includes natural gas, natural gas  
21 liquids, and liquefied natural gas.

22 (g) "Panel" means administrative panel.

23 (Source: P.A. 93-159, eff. 1-1-04; 94-96, eff. 1-1-06.)